BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

PUBLIC MEETING OF FEBRUARY 26, 2010

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ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana Civil Rights Commission, Alpha Blackburn, Chairperson, taken before me, Lindy L. Meyer, Jr., a Notary Public in and for the State of Indiana, County of Shelby, at the Indiana Government Center South, Conference Center, Room A, 402 West Washington Street, Indianapolis, Indiana, on Friday, February 26, 2010 at 11:49 o'clock a.m.

William F. Daniels, RPR/CP CM d/b/a ACCURATE REPORTING OF INDIANA 12922 Brighton Avenue Carmel, Indiana 46032 (317) 848-0088

1	APPEARANCES:
2	COMMISSION MEMBERS:
3	Alpha Blackburn, Chairperson David C. Carter
4	John E. Garcia Barry Baynard
5	Bally Baynald
6	INDIANA CIVIL RIGHTS COMMISSION By Tony A. Kirkland, Director/Secretary
7	& Joshua Brewster, Dep. Director Indiana Government Center North
8	100 North Senate Avenue, Room N103 Indianapolis, Indiana 46204
9	On behalf of the Commission.
10	OTHER COMMISSION STAFF PRESENT:
11	Robert D. Lange
12	Joan T. Essex Tawanda Sharp
13	Ruby Bowman
14	OTHERS PRESENT:
15	Virgil Madden
16	Dante Pettus Lavona Jefferson
17	navona berrerson
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1 11:49 o'clock a.m. February 26, 2010 2 3 CHAIRPERSON BLACKBURN: Good morning. COMM. GARCIA: Good morning. 4 5 CHAIRPERSON BLACKBURN: The Indiana 6 Civil Rights Commission is now in public session, 7 and we do indeed have a quorum. We would like to 8 approve and adopt the meeting minutes. You have those in your folders. May I have a motion? 9 COMM. CARTER: So moved. 10 COMM. BAYNARD: I'll second. 11 CHAIRPERSON BLACKBURN: All in favor? 12 COMM. CARTER: 13 Aye. 14 COMM. BAYNARD: Aye. 15 COMM. GARCIA: Aye. 16 CHAIRPERSON BLACKBURN: Aye. Anyone opposed? 17 (No response.) 18 19 CHAIRPERSON BLACKBURN: Thank you. And the financial report, Ms. Essex? 20 21 MS. ESSEX: Good morning. I do not have a financial report in your packet this 22 month. You will have two next month. 23

remastering or reforming a new financial reporting system, and it is almost completely built, and I just want to run some more tests on it before I run a financial statement just to make sure that everything is calculating

properly, so I do apologize for that, but I will have two for you next month.

But we are on track to meet the state's obligated reversion, and we moving right along and don't foresee any financial issues with the agency through the end of this fiscal year.

CHAIRPERSON BLACKBURN: That's good. With the cutbacks state government, we're managing to manage our --

MS. ESSEX: We are.

CHAIRPERSON BLACKBURN: -- fiscal financial obligations?

MS. ESSEX: Yes, we are. We are at a -- hitting our reversion target. That money has already been set aside, so it is not spendable cash, if you will, and we do have enough funds to carry us through for salaries and for our other operating expenses through the end

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of June.
 2
                 CHAIRPERSON BLACKBURN: Okay.
                                                  Thank
 3
     you.
 4
            Any questions of Ms. Essex?
 5
                        (No response.)
 6
                 CHAIRPERSON BLACKBURN: Any old
     business?
 7
 8
                        (No response.)
 9
                 CHAIRPERSON BLACKBURN:
                                          And new
10
     business?
11
                        (No response.)
                 CHAIRPERSON BLACKBURN: We have one
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13
     consent agreement. It's Holman versus the City
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     of Portage Parks and Recreation Department.
15
     I have a motion to accept that consent agreement?
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                 COMM. GARCIA: I move we accept it.
17
                 COMM. CARTER: Second.
18
                 CHAIRPERSON BLACKBURN: All in favor?
19
                 COMM. CARTER:
                                Aye.
20
                 COMM. BAYNARD: Aye.
21
                 COMM. GARCIA:
                                 Aye.
22
                 CHAIRPERSON BLACKBURN:
                                         Aye.
23
            Anyone opposed?
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(No response.) 2 CHAIRPERSON BLACKBURN: Thank you. 3 And we have a number of Findings of Fact, Conclusions of Law and Order. 4 They are listed, I 5 think. They're not listed. 6 MR. LANGE: Well, it's listed as appeals. 7 8 CHAIRPERSON BLACKBURN: I'm sorry? 9 MR. LANGE: It's listed as appeals. 10 What is listed is appeals, Commissioners Appeals. CHAIRPERSON BLACKBURN: Are the 11 12 appeals; all right. 13 MR. LANGE: I think. CHAIRPERSON BLACKBURN: Then we'll go 14 15 to Item G, Report of Commissioners on Complaint 16 Appeals. I read of number of consent agreements, 17 so where are they? MS. SHARP: We haven't had any. 18 COMM. CARTER: Well, those are 19 20 findings. CHAIRPERSON BLACKBURN: Okay. 21 been just findings; okay. The case of Gaines 22 23 versus Communication Workers of America, my

recommendation is that we uphold the finding of no probable cause, and ask that there be a motion 2 to accept that recommendation. 3 4 COMM. CARTER: So moved. 5 COMM. GARCIA: I moved we accept the 6 recommendation. 7 COMM. CARTER: Second. 8 CHAIRPERSON BLACKBURN: All in favor? 9 COMM. CARTER: Aye. COMM. BAYNARD: Aye. 10 11 COMM. GARCIA: Aye. 12 CHAIRPERSON BLACKBURN: Aye. 13 Anyone opposed? 14 (No response.) 15 CHAIRPERSON BLACKBURN: Thank you. The other two cases, Matthew versus Young 16 Meyer and Chandler versus Coworx Staffing --17 18 Coworx, I think, is how you pronounce it --Staffing Services, both cases, I -- I move that 19 we uphold the finding of no probable cause. 20 21 I have a motion to accept? 22 COMM. GARCIA: I move we accept your 23 recommendation.

1	COMM. CARTER: Second.
2	CHAIRPERSON BLACKBURN: All in favor?
3	COMM. CARTER: Aye.
4	COMM. BAYNARD: Aye.
5	COMM. GARCIA: Aye.
6	CHAIRPERSON BLACKBURN: Aye.
7	Anyone opposed?
8	(No response.)
9	CHAIRPERSON BLACKBURN: Comm. Carter?
10	COMM. CARTER: Madam Chair, in the
11	case of Danielson versus Clarian Health Partners,
12	I recommend that we sustain the Deputy Director's
13	no probable cause finding.
14	CHAIRPERSON BLACKBURN: May I have a
15	motion to accept that recommendation?
16	COMM. GARCIA: I move we accept his
17	recommendation.
18	COMM. BAYNARD: Second.
19	CHAIRPERSON BLACKBURN: All in favor?
20	COMM. CARTER: Aye.
21	COMM. BAYNARD: Aye.
22	COMM. GARCIA: Aye.
23	CHAIRPERSON BLACKBURN: Aye.

1	Anyone opposed?				
2	(No response.)				
3	CHAIRPERSON BLACKBURN: Thank you.				
4	Comm. Baynard?				
5	COMM. BAYNARD: Yes, Madam Chair. In				
6	the case of Davis versus Vogue Cleaners, I would				
7	recommend to the Commission that we uphold the				
8	Deputy Director's finding of no probable cause.				
9	CHAIRPERSON BLACKBURN: May I have a				
10	motion to accept that recommendation?				
11	COMM. CARTER: So moved.				
12	COMM. GARCIA: Second.				
13	CHAIRPERSON BLACKBURN: All in favor,				
14	please?				
15	COMM. CARTER: Aye.				
16	COMM. BAYNARD: Aye.				
17	COMM. GARCIA: Aye.				
18	CHAIRPERSON BLACKBURN: Aye.				
19	Anyone opposed?				
20	(No response.)				
21	CHAIRPERSON BLACKBURN: Thank you.				
22	Do we have a report from Comm. Crenshaw?				
23	MS. SHARP: Yes, Comm. Crenshaw moved				
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to uphold the findings in the Tucker verses
 1
     Hatcher case.
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 3
                 CHAIRPERSON BLACKBURN: May I have a
 4
    motion to accept that?
 5
                 COMM. BAYNARD: So moved.
 6
                 COMM. CARTER: Second.
 7
                 CHAIRPERSON BLACKBURN: All in favor?
 8
                 COMM. CARTER:
                                Aye.
 9
                 COMM. BAYNARD: Aye.
10
                 COMM. GARCIA:
                                Aye.
11
                 CHAIRPERSON BLACKBURN:
                                         Aye.
            Anyone opposed?
12
13
                       (No response.)
                 CHAIRPERSON BLACKBURN: Thank you.
14
15
            Comm. Garcia?
                 COMM. GARCIA: In the cases Burns
16
17
    versus Kentucky Fried Chicken and Dresslar versus
18
    Kentucky Fried Chicken, since they're both
    related, I recommend that we uphold the finding
19
    of no probable cause.
20
21
                 CHAIRPERSON BLACKBURN: May I have a
22
    motion to accept that?
23
                 COMM. BAYNARD: So moved.
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1	COMM. CARTER: Second.
2	CHAIRPERSON BLACKBURN: All in favor?
3	COMM. CARTER: Aye.
4	COMM. BAYNARD: Aye.
5	COMM. GARCIA: Aye.
6	CHAIRPERSON BLACKBURN: Aye.
7	Anyone opposed?
8	(No response.)
9	CHAIRPERSON BLACKBURN: Thank you
10	very much.
11	COMM. GARCIA: And in Robinson versus
12	VAC Master, Inc., I recommend that again we
13	uphold the finding of the Deputy Executive
14	Director of no probable cause.
15	CHAIRPERSON BLACKBURN: May I have a
16	motion to accept that?
17	COMM. CARTER: So moved.
18	COMM. BAYNARD: Second.
19	CHAIRPERSON BLACKBURN: All in favor?
20	COMM. CARTER: Aye.
21	COMM. BAYNARD: Aye.
22	COMM. GARCIA: Aye.
23	CHAIRPERSON BLACKBURN: Aye.

1 Anyone opposed?

(No response.)

CHAIRPERSON BLACKBURN: Do we have a report from Comm. Gidney?

MS. SHARP: No report from Comm. Gidney.

CHAIRPERSON BLACKBURN: Okay. I'd

like to move to assign to Commissioners cases on

appeal. Comm. Carter, Pettus versus Smokey

Bones, Easter versus Sugar Creek Nursing Home and
Rehab Center, Stewart versus Community Action of

Greater Indianapolis; Comm. Baynard, Martinez

versus Atlas Logistics Retail Services and Hamlet

versus Tower Staffing, Inc.; Comm. Garcia, if you

would take the case listed -- the cases listed,

Owens versus Global Insulation and Monroe versus

Peoplelink Staffing Solutions, and

Comm. Crenshaw's case, McQuithy versus Heartland

Career Center.

COMM. GARCIA: Okay.

CHAIRPERSON BLACKBURN: And did I do that properly? Okay. And if, Comm. Baynard, you would review, in addition to the cases you have

already, Harris versus Ingersoll Rand Financial 1 2 Services; and I'll ask Comm. Carter --3 COMM. CARTER: Okay. 4 CHAIRPERSON BLACKBURN: -- if he 5 would cover that last case, Kennedy versus Party 6 Direct. 7 (Discussion off the record.) 8 CHAIRPERSON BLACKBURN: Oh, I didn't assign Meijia versus Carmel Living -- Health 9 Living. I'll take it, unless somebody else wants 10 it. Okay. I hope I've covered them all. 11 12 MR. BREWSTER: Madam Chair? 13 CHAIRPERSON BLACKBURN: Yes. 14 MR. BREWSTER: We do have a Complainant that would like to come before the 15 Commission in regards to his appeal. Mr. Dante 16 Pettus would like to make a comment to the 17 18 Commission. 19 CHAIRPERSON BLACKBURN: We're pleased 20 to hear your comment. 21 MR. PETTUS: Uh-huh. I appreciate 22 I know I'm not here for testimony. I would like to bring to -- there was lot of 23

inconsistencies involved in the case that I would like to explain, and offer to the Commission that -- to update it as far as some statements that were done by the witnesses.

I would like to state that those statements were never, how should I say, entered at this particular point, because it was done by phone originally, by Ms. Sheila Wood, the original investigator for the case.

And what I'd like to say is, is that I had the statements entered by the witnesses basically because they said the statements that she made, according to the final investigative report, they did not say any of those things at all, and they was really upset about that, and they wanted me to make sure that these statements are read.

And also, a want to state this is something that's very important. The case was filed actually May 29th, my original -- my original report. They put for the date of the 30th, and they listed a lot of individuals that made some statements on the 30th. It couldn't have occurred on the 30th, these statements,

because the incident happened on May the 29th, not the 30th.

CHAIRPERSON BLACKBURN: And this is the case -- excuse me. This is the case of

5 Pettus versus Smokey Bones?

MR. PETTUS: Yes, ma'am, that's correct.

CHAIRPERSON BLACKBURN: Okay.

MR. PETTUS: And also, I did bring one of the witnesses with me, and in the statement in the final report, they put down that Ms. Jefferson was my girlfriend. She was taking tickets and she was an employee at the time. My mother-in-law was also there. The reason I knew that this was the wrong day is because my mother was diagnosed with cancer that day.

Also, I would like to mention that some of the statements that they made, according to one of my other witness statements, Ms. Brandon Smith, also, and also I wanted to mention that Jennifer Spicer, when the incident occurred, as far as the information here according to Ms. Wood, according to her investigation, I would

like to state that none of this -- none of this occurred, like I said, on the 29th, so wherever these people are that's making these statements saying that I did this and I said that, none of these people were there.

It was a gentleman that was there named Chris Henson and Jennifer Spicer, and she's no longer there, and also I want to mention in the report it also stated that -- that as far as this occurring between Ms. Spicer and Mr. Fuller, that Mr. Fuller was the original manager that I dealed with, which was correct, but as far as it being done with e-mail, he signed the statement, which I gave her a copy of, so it was done in person.

So, there's a lot of inconsistencies here, and I'd like to have those corrected, and the only way that I can do that is through the appeal process, and I greatly appreciate it. And my witness would like to make a brief, brief statement, and I greatly appreciate it.

Thank you.

CHAIRPERSON BLACKBURN: Thank you.

MS. JEFFERSON: Good afternoon. My

name is Lavona Jefferson. Like Mr. Pettus, stated, that I'm not his girlfriend, so -- however, I'm a good friend of their family.

what's going on, like he said, the 29th was the day of trial, the 30th was the day of the show, and so things was out of hand on the 29th. In fact, I never felt welcome just because I was at the place doing tryouts, you know, with Mr. Pettus and a couple more other guests, and I was accused of stealing a meal.

To enlighten a lot of you guys about

Now, that didn't sit right with me from the 29th, and so I just wanted to see a really good show, you know, and get paid for taking tickets. So, after I was accused of stealing a meal, the 30th, you noticed there was -- you know, there was just stiffness in the air to where no one was -- the show wasn't going to go on, no matter -- no matter what.

I wasn't late. I got there -- I arrived

15 minutes early. However, the statements of the
witnesses or the paperwork said that I was late.

I wasn't. I was at the door. Things went out of

hand, and it really, really, you know, was a very uncomfortable situation of being there, not to mention humiliated as well as being cheated out

of my time, patience and money.

It was a lot of inconsistence, you know, as far as the understanding of who made the agreement. I don't believe no one in this room can go to Smokey Bones without an agreement and put on a show. That's first and foremost.

Secondly, I don't believe the guy that actually -- the vice-president -- I don't know his name offhand.

MR. PETTUS: Morris.

MS. JEFFERSON: Mr. Losario, he actually --

MR. PETTUS: He actually sanctioned the show.

MS. JEFFERSON: Yeah, he sanctioned the show, and I was a witness to that as well, and at the end, when everything went the wrong way, he even offered \$500, you know, for our time and our services. I don't know anyone in America that's giving out money for nothing.

And, you know, it was just humiliating, like I said, and I hope it would never occur to anybody, you know, from this point on, I guess my point is, and yes, I would like to, you know, just tell you it was just not good business, you know, from whether it was me putting on a talent show or Mr. Pettus, it was just, you know, an outrage.

And someone has to pay is because, you know, time, efforts, money was involved as far as advertisements, none of its been compensated, and in fact, didn't come to any conclusion as far as, you know, how we was going to resolve the situation. There was a lot of bickering and everything.

And so, I won't take a lot of you guys'
time up. I just appreciate you guys hearing what
I have to say, and take it in consideration that
no one's giving out money for free and no one has
time just to be wasted. So, I appreciate your
time, if anybody has any questions. No?

CHAIRPERSON BLACKBURN: Any

questions?

1 (No response.) 2 CHAIRPERSON BLACKBURN: Thank you 3 very much. 4 MS. JEFFERSON: Sure welcome. 5 CHAIRPERSON BLACKBURN: Your comments 6 will be sent, along with the appeal, to 7 Comm. Carter --8 MS. JEFFERSON: Okay. 9 CHAIRPERSON BLACKBURN: -- to be 10 included in his review of your appeal. 11 And do they need to submit them in writing in addition to the record? 12 13 MR. BREWSTER: They have. 14 CHAIRPERSON BLACKBURN: They have 15 already? 16 MR. BREWSTER: Yes. 17 CHAIRPERSON BLACKBURN: Well I thank 18 you very much for bringing this up. 19 MS. JEFFERSON: I appreciate you all's time. 20 21 CHAIRPERSON BLACKBURN: Thank you. MR. PETTUS: Excuse me. I'd like to 22 23 add one more thing to that. Also, she mentioned

the \$500. They did offer \$500 to me; however -and I want to mention -- all of the parties that
are involved have either been fired or left for
some reason. We do not know why. Ms. Losario,
he was fired from the concert immediately after
the situation. Ms. Spicer -- they're most
located in Cleveland. I don't know why these
parties left if nothing happened.

And then, as Ms. Jefferson stated, I don't know why he would offer \$500 if they didn't do anything wrong, and I told him that \$500 is not nearly enough, not for that. Though, with this being a trying time -- and I tell you, I was very shocked when the statement that Ms. Spicer made at that time.

I was so -- I don't know. I was just so determined to let the show go on because I was trying do something positive with my life and I was trying to help other people as well, because I know we have talented people in Indianapolis.

So, if you really look at the file -- and I don't want to waste too much of you guys' time, but I've got a copy of the flier here.

And what I did was, I was trying to do a show that I could make people happy, and at the same time, pull some of our talent in Indianapolis, and I thought Smokey Bones would be a good place. I did not -- when it was originally sanctioned, I contacted them, and Mr. Henson said it would be great, they would be glad to have me there.

But I know, just like she said, they were supposed to assist me, but it was really cold. I asked them to get me a glass of water, they didn't want to do that. They were -- I don't know. I think he thought I was trying to tell him what to do. They were really upset when I asked them to do something. They were supposed to be there to assist me.

And, you know, like I said -- like she just stated, we just wanted to have a good show, but there were many parts of the bargain that they never did keep up with, because they was supposed to give us free coupons for meals to go with the show. I never got those.

There were supposed to put a sign up

front. They never did -- you know, that said,
"Buy tickets here." They didn't sell one ticket
in a couple of months' time, I don't think they
did ever even try.

And as she stated you know, I just appreciate it. I don't want to go into it because, as far as the "N" word or whatnot that was used, but I'm going tell you, it really hurt my heart and my family and friends when I seen that, and they also had -- they said I had an entourage of people according to the investigative report.

No, I did not. It was I, Ms. Jefferson, and she invited her son, my mother, her -- my mother, my niece and her boyfriend, and that was pretty much it. They said, as far as the report. I've have some disagreement with the police department, and we filed a tort claim against them as well, and we're going to let this go unsaid.

So, I'm hoping you guys will consider our appeal in this process, and I greatly appreciate it today.

Thank you.

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CHAIRPERSON BLACKBURN: Thank you so much.

3 4

We'll now have an Administrative Update.

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MR. KIRKLAND: Thank you. Currently right now we are pretty much on track, trying to stay busy afloat. Joan had mentioned earlier we're trying to make sure we stay within budget.

8 9

The biggest things that we are moving forward with is our Senate Bill 190. Right now

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it seems to be getting some traction, and

be able to take in cases and deal with

able it obtain this passage.

11 12

hopefully next week we may be able to pass it.

13

That bill reflects the federal law pretty much.

individuals that has 15 or less employees than

when they filed, and we would be able to make

not a budget issue, so it's not a matter of the

budget, it's just it increases our load if we are

sure that we can take those cases as well.

We're trying to mirror that, so that we'll

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Other than that, that's pretty much it as we go. We have a busy day today. We have our

Statewide Human Relations Commission meeting going on as well as we speak, so we're trying to 2 make sure we stay involved with all of the local 3 Human Rights Commissions across the State of 4 5 Indiana. Their only concern, one that is coming up, is that we get things from the Gary Human 6 7 Relations Commission, and, you know, they are under financial distress, so it's a possibility 8 that they may be losing their commission. 9 10 CHAIRPERSON BLACKBURN: That's sad news, but we thank you for your report. 11 12 MR. KIRKLAND: Right. 13 CHAIRPERSON BLACKBURN: Are there any 14 other announcements? 15 (No response.) 16 CHAIRPERSON BLACKBURN: Hearing none, 17 the Commission is adjourned. 18 Thereupon, the proceedings of 19 February 26, 2010 were concluded at 12:10 o'clock p.m. 20 21 22 23

CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned

Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, February 26, 2010 in this matter and transcribed by me.

Lindy L. Meyer, Jr.,

Lindy L. Maye

Notary Public in and for the State of Indiana.

My Commission expires October 27, 2016.

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